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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 JAN -2 AM 10: 18
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

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| **UNITED STATES OF AMERICA,** Plaintiff, v. **Rodrigo SALGADO-Salgado,** Defendant | Magistrate Docket No. '08 MJ 0004<br>COMPLAINT FOR VIOLATION OF:<br>Title 8, U.S.C., Section 1326<br>Attempted Entry After Deportation |

The undersigned complainant, being duly sworn, states:

On or about **January 1, 2008** within the Southern District of California, defendant, **Rodrigo SALGADO-Salgado,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose, i.e. conscious desire, to enter the United States at or near the San Ysidro, California Port of Entry, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 2nd of **JANUARY 2008**

Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

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**CONTINUATION OF COMPLAINT:**
**Rodrigo SALGADO-Salgado**

## PROBABLE CAUSE STATEMENT

On January 1, 2008, at approximately 2:55 A.M., Border Patrol Agent C. Kuhn was performing linewatch duties in an area commonly known as "Echo 3". This area is approximately a mile and a half east of the San Ysidro, California, Port of Entry and thirty yards north of the U.S./Mexico International Boundary fence. Agent Kuhn noticed an individual climb over the primary U.S./Mexico International Boundary fence. Agent Kuhn responded to the area and watched the individual lay down in a ditch. Agent Kuhn approached the individual, identified himself as a United States Border Patrol Agent and conducted a field immigration inspection. The subject, later identified as the defendant **Rodrigo SALGADO-Salgado**, admitted to being a citizen and national of Mexico, and did not possess any documents that would allow him to legally enter or remain in the United States. The defendant was arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **February 2, 2005** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.